

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Criminal Justice – High Court – Appeal against acquittal – Hyderabad District in SC No.579/2006 on the file of the Vth Addl. Metropolitan Sessions Judge (Mahila Court), Hyderabad – Filing of Appeal – Declined.

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LAW (LA&J-HOME COURTS.B) DEPARTMENT

G.O.Rt.No. 2302

Dated:31-12-2008

Read:-

From the Addl. Public Prosecutor, H.C. of A.P., Hyderabad, Opinion No.519/2008, dated:14-10-2008.

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O R D E R:-

In the reference read above, the Additional Public Prosecutor, High Court of Andhra Pradesh, Hyderabad in his opinion has opined that it is not a fit case to file an appeal against the acquittal in SC No.579/2006 dated: 11<sup>th</sup> August, 2008 on the file of the V Addl. Metropolitan Sessions Judge (Mahila Court), Hyderabad.

2. The Government after careful examination of the matter have observed that the contents of the judgment, dt.11.8.2008 of the Addl.Metropolitan Sessions Judge (Mahila Court), Hyderabad, wherein the accused acquitted. The trial court specifically observe that the evidence of P.W.7 (S.I. of Police) does not disclose the reasons for not proceeding with the investigation and not filing any charge sheet in Crime No.245 (the earlier case registered against the accused persons) and the result of the investigation conducted by him. The trial court ought to have taken into consideration this aspect in detail and the circumstances under which the earlier case was closed and should find the reasons for not proceeding with the investigation in Cr.No.245/2005 and should give its finding.

3. Further, the trial Court ought to have taken into consideration the important fact that immediately, after the occurrence of the incident, it was the neighbours who admitted the accused in the hospital, though the husband and the in-laws was present at the scene of the incident but neither the husband nor her in-laws taken the deceased to any doctor nor any doctor was called to examine her nor even any kind of Medical treatment was given to the deceased, this is extremely un-natural human conduct, which raises doubts about the conduct of the in-laws and they come under the ring of suspicion, and this fact itself highlights the malafide or evil intentions of the husband and the in-laws that they didn't want the victim to be alive as such they didn't taken any immediate steps to save the life of the deceased.

4. The trial Court also ignored the fact that the death is not a natural death, and when a death is not natural, it is an un-natural death and all such un-natural deaths are suspicious deaths. And it is the duty of the Court to take into consideration that if a married women meets with an un-natural death, what causes the death of the married women, and if the death is within 7 to 10 years from the date of their marriage, it attracts section 304-B of IPC, no doubt that the burden lies on the prosecution that the death was due to dowry harassment and the prosecution has to prove the same beyond reasonable doubt. The trial court ought to have taken into consideration the statements of P.Ws 1 to 3 in so far as harassment of the deceased by A-1 for dowry. The Court have not examined the same and not recorded the statement of A1 in this regard. Trial court should take utmost care in deciding the cause of death, mere taking the discrepancy in the statement could not be taken as the sole ground for deciding the cause of death, Court should see the cause from all angles and then only should decide the cause of death beyond reasonable doubt.

5. The trial court acquitted the accused only on the ground that there exists discrepancies in the statement of the complainant and the earlier statement recorded by the investigation officer.

6. Therefore, it can be said that the trial court has not taken into consideration all suspicious points stated in the foregoing paras while acquitting the accused.

7. In the circumstances stated above and the discussion in the foregoing paras, which formed the backbone of the prosecution case. It has been observed that there are good grounds to prefer an appeal against the order of acquittal in SC No.579/2006, dated:11-08-2008.

8. The Addl. Public Prosecutor, High Court of Andhra Pradesh, Hyderabad concerned hereby directed to prefer an appeal under section 378 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) against the order of acquittal dated:11-08-2008 in SC No.579/2006 on the file of the Vth Addl. Metropolitan Sessions Judge (Mahila Court), Hyderabad, Hyderabad District.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. SURI APPA RAO,  
SECRETARY TO GOVERNMENT  
LEGISLATIVE AFFAIRS & JUSTICE (i/c)

To  
The Addl. Public Prosecutor, High Court of Andhra Pradesh, Hyderabad  
The Collector & District Magistrate, Hyderabad District.  
The Director General of Police, Andhra Pradesh, Hyderabad.  
The Commissioner of Police, Hyderabad.  
Law (E) Department.  
SC/SF

// Forwarded:by Order //

SECTION OFFICER